

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
E911 Requirements for IP-Enabled Service Providers)	WC Docket No. 05-196
)	
)	

COMPLIANCE REPORT OF PRIMUS TELECOMMUNICATIONS, INC.

Primus Telecommunications, Inc. ("Primus") hereby submits this Compliance Report in accordance with the Federal Communications Commission's ("Commission") June 3, 2005 order establishing enhanced 911 requirements for IP-enabled service providers (the "VoIP Order")¹, and the subsequent outline of information called for by the Enforcement Bureau in this filing (the "Bureau's Outline").²

I. INTRODUCTION.

Primus now provides two types of voice over internet protocol ("VoIP") services that fall within the scope of Section 9(e) of the Commission's Rules in the above-referenced docket. The first product is a long distance bypass that involves technology in which both landline and VoIP circuits attached to the same Customer Premise Equipment ("CPE")³ and is similar to the service that is the subject of a Petition for Reconsideration/Clarification and/or Waiver currently before the Commission (the "LD

¹ *IP-Enabled Services and 911 Requirements for IP-Enabled Service Providers*, First Report and Order and Notice of Proposed Rulemaking, 20 FCC Red 10245, 10273 ¶50 (2005), 47 C.F.R. § 9.5(f).

² Public Notice, "Enforcement Bureau Outlines Requirements of November 28, 2005 Interconnected Voice Over Internet Protocol 911 Compliance Letters," DA 05-2945 (rel. November 7, 2005) ("EB Outline").

³ It is significant to note that due to the technology associated with this Service, the VoIP-enabling devices provided by Primus have been configured such that local and/or 911 calls cannot be processed through the Primus VoIP service. Rather, local (including 911) calls are routed through the POTS lines. Therefore, any efforts to ensure E911 compliance are merely academic exercises to comply with the Commission's rules on a technical side, but have no effect on the customer's use of 911 services. When public safety appears to be the overriding concern of the Commission, we question whether such academic exercises were contemplated by the VoIP Order.

Bypass Service”).⁴ The second product is much like that of Primus’s affiliate, Lingo, Inc. (“Lingo”), which is targeted at business customers only and allows the customer to make all types of calls (“Robust VoIP Service”). Primus only recently began selling the Robust VoIP Service, and as of the date of this filing, has just made a handful of sales. As such, the vast majority of Primus customers purchase the LD Bypass Service.

II. HOW PRIMUS SELECTED ITS E911 SOLUTION.

As described in prior filings, Primus’s customer base for its VoIP services is extremely small. Although Primus is an interexchange carrier (“IXC”), it is merely a reseller of IXC services and does not have its own nationwide footprint. Primus does hold local certifications in a few states, but it is not currently providing local service and does not have access to the appropriate selective routers that would enable it to provision E911 services on its own. Primus does not have the resources, capital or time to create and deploy its own dedicated E911 network with a nationwide footprint within the timeframe mandated by the Commission, and therefore in its efforts to comply with the Commission’s VoIP Order, Primus had no choice but to contract (indirectly through its affiliate, Lingo) with a third party to provide the required E911 services by November 28, 2005.

During the summer of 2005, Primus contacted several third parties offering E911 solutions for VoIP providers. After meaningful discussions with various providers concerning their proposed E911 solutions, Primus contracted indirectly with Intrado, Inc. (“Intrado”) in September 2005, to provide its E911 solution, a company that has

⁴ See “Petition for Reconsideration/Clarification and/or Waiver by Comptel,” filed July 29, 2005 (“Comptel Petition”).

tremendous experience with 911 issues. At that time, Primus was unaware of any third-party provider that was offering an E911 solution that would cover the entire United States (including Alaska and Hawaii), the territories and possessions, by November 28, 2005, and selected what it viewed was the best provider.⁵

II. THE E911 SOLUTION CURRENTLY AVAILABLE TO PRIMUS.

The solution that Primus is purchasing indirectly from Intrado is intended to give Primus a full end-to-end solution for providing E911 services for both its LD Bypass Service customers and Robust VoIP Service customers. This solution consists of an interface that allows Primus to submit the location where the service is being used (“Registered Location”), which Intrado verifies and geo-codes (as more particularly described below) so that it can be accurately transmitted to a PSAP in the event of a 911 call. Intrado then transmits the information that would allow an automatic display of the customer’s telephone number and the address/location of the VoIP telephone (“ALI”) to the public safety answering point (“PSAP”) in the event of a 911 call.

While the verification, coding and loading of the appropriate Registered Location is integral to the E911 process, Primus itself did not have the ability to determine what level of E911 service (or variant thereof) a customer would have at any Registered Location. As such, Primus itself had no visibility into whether an individual at a Registered Location would actually be able to receive E911 services, notwithstanding the appropriate verifications. Very recently, Intrado gave Primus software which is intended to allow Primus to determine what level of E911 service is available to a customer at any

⁵ Primus notes that it remains unaware of any third-party solution provider that is offering a VoIP E911 solution with any certainty that will cover the continental United States within the near future.

particular Registered Location on a real time basis. Primus's experience with those products is detailed below.

A. ENSURING THE CUSTOMER'S ADDRESS & CALL BACK NUMBER CAN BE DELIVERED TO THE APPROPRIATE PSAP.

The Validation and Update Interface ("VUI") provided by Intrado operates as a real time provisioning interface by which the actual location (*i.e.*, X, Y longitude and latitude coordinates) for a customer's Registered Location (or "geo-coding") can be verified. Primus first sends the Registered Location through the VUI and Intrado is able to verify the customer's address and confirm the X, Y coordinates of that Registered Location. Then, Intrado completes a Master Street Address Guide ("MSAG") validation, and checks to ensure that the customer is a Primus customer. After this process is completed, the geo-coded address is stored in Intrado's server. When a 911 call is made, Intrado will then transmit this information, including the ALI, to the appropriate PSAP.

For new customers, this three-step validation process will be incorporated into the sign-up process to ensure the Registered Location is properly verified in real time. With respect to Primus's existing customer base, Primus is in the process of giving Intrado the Registered Location information so that Intrado may complete this three-step verification process.

B. DETERMINING THE CUSTOMER'S LEVEL OF E911 SERVICE.

On or about November 16, 2005, Intrado informed Primus that it had developed a new Level of Service or "LOS" software module that would allow Primus to query the Registered Location of a customer with Intrado to determine the level of E911 service available to that customer. On November 17, 2005, the beta version of this software

became available for Primus to test, and Primus's IT department began the steps necessary to interface, test, and evaluate this software. However, due to the last minute release of this untested software there are some significant drawbacks to Primus's ability to utilize this solution by November 28, 2005. First, this is a new software that, to our knowledge, has not been tested on a commercial basis. Thus, Primus (and its affiliate, Lingo) will be some of the first customer(s) to test this software. As with any new software, the expectation that it will process the information without error is minimal. More importantly, the release of this software so close to the Commission's deadline impairs Primus's ability to actually utilize the technology, as Primus has not been able to develop any interface systems or other back-office technology to ensure that the information can be exchanged between the two entities. As such, Primus is faced with a last minute scramble to digest the documentation, create a work plan, and then code the appropriate software to ensure that information can be exchanged with the LoS tool. Primus is currently expending significant effort and resources to create the necessary interface and back office systems to support the LoS software.⁶

In the event that Primus is able to test the software and develop the appropriate back office systems, Primus will begin running this software on November 28, 2005. This will allow Primus to incorporate the LoS tool in its order process, and before a customer can sign up for service, Primus will be able to determine if E911 services are accessible from a particular Registered Location. If the customer does not have the

⁶ We note that Intrado offered to provide Primus with electronic spreadsheets organizing service availability by LATA. However, the only way that Primus would be able to use this information to determine the type of E911 service available to a customer would be to obtain LATA maps, and manually plot each Registered Location for its entire customer base on those maps. Primus could not utilize the spreadsheets on an electronic basis and cross reference by customer ANIs, because the geographic location associated with the ANI may or may not reflect the customer's Registered Location.

capability, then they will be advised that the service is not offered to them in their Registered Location at this time. If the customer's Registered Location is serviced by E911, the order process will continue and the customer may then sign up for Primus's services, Primus will also be able to determine the level of service existing customers have, assuming said customer's Registered Location has been validated by Intrado.

III. PRIMUS'S COMPLIANCE WITH THE VOIP ORDER.

A. PRIMUS'S 911 SOLUTION: Given the MSA information provided by Intrado, and compared to the location of Primus's relatively few customers, it appears that Intrado will be able to provide E911 service in compliance with the rules established in the VoIP 911 Order to approximately 80% of Primus's customers, based on the Registered Locations provided by the customers.⁷

1. 911 Routing Information/Connectivity to Wireline E911 Network: The Enforcement Bureau has called for a detailed statement as to whether the provider is transmitting, as specified in Paragraph 42 of the VoIP Order, "all 911 calls to the appropriate PSAP, designated statewide default answering point, or appropriate local emergency authority utilizing the Selective Router, the trunk line(s) between the Selective Router and the PSAP, and such other elements of the Wireline E911 Network as are necessary in those areas where Selective Routers are utilized."⁸ If the provider is not transmitting all 911 calls to the correct answering point in areas where Selective Routers are utilized, this statement should include a detailed explanation why not. In

⁷ This is dependent upon the successful migration of Registered Locations to Intrado, which includes the validation process described in Section II(A).

⁸ VoIP Order, 20 FCC Rcd at 10269-70, ¶ 42 (footnote omitted).

addition, the provider should quantify the number of Selective Routers to which it has interconnected, directly or indirectly, as of November 28, 2005.

Primus's Response: As Primus is wholly relying on Intrado for the E911 solution, it is limited by Intrado's roll out of the product. In response to this question, Intrado has supplied us with the following information: "Currently through the assistance of our Network providers, our VSP customers will have access to 154 E9-1-1 Selective Routers by November 28th, 2005 . . ." Additionally, to the extent that customers do not provide Primus with accurate Registered Location information, Intrado would not be able to transmit all 911 calls to the correct answering point in areas where Selective Routers are utilized. Primus again notes that for the majority of its customers that are purchasing the LD Bypass Service, whether Intrado has access to selective routers is immaterial, as the customer will not be able to physically place a 911 call using those VoIP services. See Footnote 4.

2. Transmission of ANI and Registered Location Information: The Enforcement Bureau has called for a detailed statement as to whether the provider is transmitting via the Wireline E911 Network the 911 caller's ANI and Registered Location to all answering points that are capable of receiving and processing this information. This information should include: (i) a quantification, on a percentage basis, of how many answering points within the provider's service area are capable of receiving and processing ANI and Registered Location information that the provider transmits; (ii) a quantification of the number of subscribers, on a percentage basis, whose ANI and Registered Location are being transmitted to answering points that are capable of receiving and processing this information; and (iii) if the provider is not transmitting the

911 caller's ANI and Registered Location to all answering points that are capable of receiving and processing this information, a detailed explanation why not.

Primus's Response: With respect to the requirement for a quantification, on a percentage basis, of how many answering points within the provider's service area are capable of receiving and processing ANI and Registered Location information that the provider transmits, Intrado has provided Primus with the attached Exhibit 1, which reflects Intrado's progress with respect to the ultimate goal of transmitting all of the caller's ANI and Registered Location information to answering points that are capable of receiving this information. Additionally, there are some specific cases where Intrado has stated that it can only transmit the ANI information:

"There are unique deployment circumstances in areas of the US and Puerto Rico that operate off [of] E9-1-1 Selective Routers, but will not meet the full FCC mandate. . . Intrado is currently aware of four (4) States and a Territory within [Primus's] serving area that will have native Selective Routing functionality but will only provide Automatic Number Identification (ANI) only service to the PSAP. The following information explains the circumstances within these areas:

New Jersey - In the State of New Jersey Intrado has gained permission from the State to deploy a voice only service which includes the call taker receiving ANI on the VoIP 911 caller. The State ALI system is not capable of full dynamic ALI updates and will require an upgrade. New Jersey represents 3% of the total US population.

Ohio - To date, Ohio has not granted permission to Intrado to deploy a voice only solution. The State ALI system is not capable of full dynamic ALI update. Ohio represents 4% of the total US population.

Hawaii - To date, Hawaii has not granted permission to Intrado to deploy a voice only solution. The ALI systems are not capable of full dynamic ALI update. Hawaii represents 5% of the total US population.

Puerto Rico - To date, Puerto Rico has not granted permission to [Intrado] to deploy a voice only solution. The ALI systems are not

capable of full dynamic ALI update. Puerto Rico represents 3% of the total US population.”

With respect to a quantification of the number of subscribers, on a percentage basis, whose ANI and Registered Location are being transmitted to answering points that are capable of receiving and processing this information, Primus does not yet have this information. As noted in Section II(A) and Footnote 7 above, Primus is in the midst of loading the Registered Location information for its customer base with Intrado and contemplates completing this by November 28, 2005. Once Intrado receives this information and performs the appropriate verifications, Primus will be able to advise the Enforcement Bureau of the precise percentage of subscribers whose ANI and Registered Location are being transmitted to answering points that are capable of receiving and processing this information.⁹ When Primus receives this information, it will Provide the Enforcement Bureau with a copy of said map and/or the appropriate percentages.¹⁰

3. 911 Coverage: The Enforcement Bureau has stated that to the extent a provider has not achieved full 911 compliance with the requirements of the VoIP Order in all areas of the country by November 28, 2005, the provider should: 1) describe in detail, either in narrative form or by map, the areas of the country, on a MSA basis, where it is in full compliance and those in which it is not; and 2) describe in detail its plans for coming into full compliance with the requirements of the order, including its anticipated timeframe for such compliance.

⁹ We again emphasize that for the majority of Primus customers (i.e., those purchasing the LD Bypass Service), this is merely an academic exercise, and the percentages will not reflect the number of customers that are ‘safer’ as a result of Primus’s efforts.

¹⁰ Unfortunately, Primus is not able to access this information and manipulate the data on its own through the LoS system because it does not yet have an operable interface and/or the time to process the data to meet the required filing date.

Primus's Response: Intrado has delivered written assurances that it is working on providing Primus with a nationwide native VoIP E911 service in accordance with the VoIP Order. Further, Primus has been advised that the initial PSAP deployments of Intrado are targeted in major metropolitan areas through the United States, consistent with Primus's subscriber base priorities. See Exhibit 1 (Intrado's current progress with respect to the roll out of nationwide E911 service). We again note that for the majority of Primus customers that are purchasing the LD Bypass Service, the E911 compliance roll out will have no effect on the customer, as the customer is not physically able to place a 911 call using those VoIP services.

B. OBTAINING INITIAL REGISTERED LOCATION INFORMATION: The Enforcement Bureau has called for a detailed description of all actions the provider has taken to obtain each existing subscriber's current Registered Location and each new subscriber's initial Registered Location. This information should include, but is not limited to, relevant dates and methods of contact with subscribers and a quantification, on a percentage basis, of the number of subscribers from whom the provider has obtained the Registered Location.

Primus's Response: As of the date of this filing, Primus has obtained Registered Location information from 100% of its subscriber base. As part of the sign up process, businesses are required to provide Primus with this information.

C. OBTAINING UPDATED REGISTERED LOCATION INFORMATION: The Enforcement Bureau has requested a detailed description of the method(s) the provider has offered its subscribers to update their Registered Locations. This information should include a statement as to whether the provider is offering its subscribers at least one

option for updating their Registered Location that permits them to use the same equipment that they use to access their interconnected VoIP service.

Primus's Response: Currently, a Primus customer may call into their designated customer care center to change their Registered Location or their sales representative for assistance,¹¹ which permits subscribers to use the same equipment they use to access their interconnected VoIP service to change their Registered Location (provided it is not a local call in the case of a customer purchasing Primus LD Bypass Service). Due to the extremely limited size of this customer base, Primus does not have an automated means for updating Registered Location information. However, it is currently developing fulfillment documentation that will ultimately allow Primus's business customers to manage their VoIP accounts via a web-based tool. Primus anticipates this project will be completed in the next calendar year.

D. TECHNICAL SOLUTION FOR NOMADIC SUBSCRIBERS: The Enforcement Bureau has requested a detailed description of any technical solutions the provider is implementing or has implemented to ensure that subscribers have access to 911 service whenever they use their service nomadically.

Intrado has reported the following to Primus with respect to nomadic subscribers:

VSPs [like Primus] utilizing Intrado's V9-1-1™ Mobility Services are able to route VoIP emergency calls from their VoIP network to the Intrado Network or alternative 3rd party network for delivery to the appropriate Selective Router and then on to the geographically appropriate Public Safety Answering Point (PSAP) via the native 9-1-1 infrastructure. The Services utilized provide a "native" 9-1-1 solution for routing VoIP 9-1-1 calls from both in-region and out-of-region telephone numbers (TNs) to the most geographically appropriate PSAP. The V9-1-1 solution enables full support of nomadic usage of VoIP provided the user updates their address information upon arrival into a new location. Through the

¹¹ Because the majority of Primus's VoIP customers purchase the LD Bypass Service, the updating of Registered Locations is limited to circumstances where a business moves.

Validation and Update Interface (VUI) the V9-1-1 solution will enable the near real-time provisioning (Geocoding and MSAG Validation) of the newly provisioned address and make available (assuming no errors) that user's information for delivery to the PSAP within 15 minutes of receipt.

Intrado recognizes the need for removing the user interaction and self provisioning component of the solution. To that end, Intrado is actively working and trialing a number of location determination technologies, which will be supported by Intrado and the Intrado provisioning interface.

Unlike VoIP providers that cater to a residential customer base, Primus only markets its services to businesses. As such, there are limited circumstances when a customer purchasing the LD Bypass Service, or the Robust VoIP service for that matter, would use the device in a nomadic fashion. Nonetheless, Primus plans to take the following steps with respect to changes in Registered Locations. As described in Section II above, any changes in Registered Locations will need to be sent through the VUI interface for verifications, and then stored on Intrado's server. When the LoS system is operational, Primus will be able to identify the type of E911 service (or variant thereof) a nomadic customer had available based on the revised Registered Location. However initially, the query for updated Registered Locations will be manual, and there may be a delay between the period of time when a new customer updates his or her Registered Location and when Primus is able to determine if E911 is available.¹² During this limited "delay" period, Primus will not be able to tell if a new customer has moved to a location with E911 services.¹³

¹² We anticipate this delay to be minimal, if at all, since most businesses give ample notice to their long distance providers prior to moving.

¹³ Once Primus is able to further develop its back-office systems to support temporary service suspension, this delay will be minimized.

For Primus customers purchasing Robust VoIP Service, Primus will use all reasonable efforts to contact such customers to advise them that E911 service is not available and their Robust VoIP Service will be suspended until either the Registered Location is verified as E911 compatible, or until the subscriber changes their Registered Location again to an area that is supported by E911.¹⁴ For customers purchasing Primus's LD Bypass Service, Primus will, for the next forty-five (45) days, pending any further guidance from the Enforcement Bureau or a decision by the commission on the Comptel Petition, use all reasonable efforts to contact such customers to advise them that E911 service is not available and their LD Bypass Service will be suspended until either the Registered Location is verified as E911 compatible, or until the subscriber changes their Registered Location again to an area that is supported by E911.

IV. UTILIZING THE AUTOMATIC DETECTION MECHANISM.

Primus is still in the process of reviewing the automatic detection mechanism ("ADM") offered by certain other VoIP providers. Without further information regarding the technical underpinnings of the device, Primus cannot determine whether this is a viable option for its customer base. Over the next few weeks, Primus will continue to explore this offering. In the interim, Primus will continue to take the steps described above to comply with the VoIP Order.

V. PRIMUS'S MARKETING & SALES PLANS.

In its Outline, the Enforcement Bureau indicated that it expects providers to "discontinue marketing VoIP service, and accepting new customers for their service, in

¹⁴ It is important to note that due to the delays from Intrado, new customers in these circumstances will have their service suspended even if they are moving from one E911 supported area to another. This creates a result the Commission may not have intended by its VoIP Order.

all areas where they are not transmitting 911 calls to the appropriate PSAP in full compliance with the Commission's rules."¹⁵ As such, Primus will be taking the following efforts in this regard:

A. LIMITING MARKETING ACTIVITIES. Primus markets its VoIP Services via three methods (1) direct sales; (2) value added resellers (i.e., VoIP hardware supply companies) ("VARs"), and (3) wireless internet service providers. In accordance with the wishes of the Enforcement Bureau, Primus will be limiting all of its marketing of Robust VoIP Services to only those MSAs in which Intrado has indicated there is E911 compliance.¹⁶ Because the VARs typically market via the "boundaryless" internet, Primus will contact these vendors to ensure that all marketing of Robust VoIP Services after November 28, 2005, be targeted at only those particular MSAs; to the extent the advertiser is unable to comply, Primus will suspend the marketing with that advertiser until compliance is assured. We note, however, that the nature of E911 deployment is dynamic, and the E911 coverage within a particular MSA will vary and increase over time. In the event Primus's initial marketing materials inadvertently reach a potential subscriber in a specific area that is not E911 compliant, when that subscriber attempts to purchase the services, they will be notified that the services are not offered in their particular area at this time.

Because the technology of Primus's LD Bypass Service is such that a 911 call cannot be completed, restricting marketing of this product until E911 service is available, albeit unusable, not only unfairly penalizes Primus, but also severely damages its

¹⁵ EB Outline, page 5.

¹⁶ Intrado has stated that these MSAs are "major markets where Intrado has connectivity to at least 1 selective router, ALI steering and the ability to populate ALI".

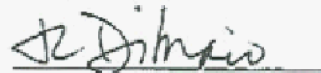
business plan for the upcoming year. As such, Primus will revise its marketing plan with respect to Primus's LD Bypass Service in accordance with the provisions described above only for a period of forty-five (45) days, pending further guidance from the Enforcement Bureau and/or a decision from the Commission on the Comptel Petition.

B. SALES TO NEW CUSTOMERS. In accordance with the expectations of the Enforcement Bureau, after November 28, 2005, Primus will not accept any new customers for Robust VoIP Service in areas where Intrado is not transmitting 911 calls to the appropriate PSAP in full compliance with the Commission's rules, and will not accept any new LD Bypass Service customers for a period of forty-five (45) days. Primus acquiesces to the expectations of the Enforcement Bureau in this regard, however Primus implores the Enforcement Bureau to recognize that the expectations of the EB Outline should not apply to long distance bypass service, as it does not enhance public safety, but only penalizes carriers for providing alternative long distance telephony services over the internet.

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Respectfully Submitted,

PRIMUS TELECOMMUNICATIONS, INC.

A handwritten signature in dark ink, appearing to read "Joe DiMaio", is written over a horizontal line.

Joe DiMaio

Vice President

7901 Jones Branch Drive, #900

McLean, VA 22102

November 28, 2005

cc: Kathy Berthot, Deputy Chief, Spectrum Enforcement Division
Janice Myles, Competition Policy Division
Best Copy and Printing